

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re

**LEVI L. JONES and MATHA J.
JONES,**

Debtors.

Case No. **19-60110-13**

ORDER CONFIRMING CHAPTER 13 PLAN

At Butte in said District this 8th day of April, 2019.

Debtors filed an Amended Chapter 13 Plan on March 4, 2019 (ECF No. 15) (the “Plan”). The Plan was transmitted to the creditors under Bankruptcy Rule 3015. The Chapter 13 Trustee filed a consent to confirmation of Debtors’ Plan on March 14, 2019. The Court finds that the Plan meets the requirements of 11 U.S.C. § 1325. Specifically,

1. The Plan complies with the provisions of Chapter 13 of the Bankruptcy Code and with other applicable provisions of Title 11;
2. Any fees, charges or amounts required to be paid under the Plan or 28 U.S.C. § 1911 *et seq.* have been paid;
3. The Plan has been proposed in good faith and not by any means forbidden by law, and the filing of the petition was in good faith;
4. The value, as of the effective date of the Plan, of property to be distributed under the Plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the Debtors were liquidated under Chapter 7 of Title 11 on such date;

5. With respect to each allowed secured claim provided for by the Plan:
- a. the holder of such claim has accepted the Plan; or
 - b. the Plan provides that the holder of such claim retain the lien securing such claim, and receive payment consistent with the terms of 11 U.S.C. § 1325(s)(5)(B)(i), (ii) and (iii), or
 - c. the property securing such claim is surrendered to the holder of such claim.
6. Debtors will be able to make all payments under the Plan, and to comply with the Plan.
7. Debtors have paid all amounts required under 11 U.S.C. § 1325(a)(8).
8. Debtors have filed all applicable Federal, State and local tax returns.

Based upon the foregoing,

IT IS ORDERED that the Debtors' Plan filed March 4, 2019, at ECF No. 15 is confirmed and the Debtors shall perform and abide by the terms therein, including but not limited to the following:

1. PAYMENTS

- a. Amount of each payment: \$275.00 each month.
- b. Due Date of each payment: 16th OF EACH MONTH.
- c. Period of payment: 60 MONTHS.
- d. Payable to Standing Trustee: ROBERT G. DRUMMOND

2. SECURED CLAIMS IMPAIRED UNDER PLAN

<u>Creditor</u>	<u>Claim No.</u>	<u>Allowed Secured Claim</u>	<u>Rate of %</u>
BLI Rentals, LLC	1	\$9,223.82	8%

3. REJECTION OF CONTRACTS OR LEASES

None

4. SURRENDER OF PROPERTY

Secured Creditor

Description of Collateral

None

5. NON STANDARD PLAN PROVISIONS

It is Debtors' position that the agreement with BLI Rentals, LLC, is in fact a purchase agreement and not a lease in part because the amount of money required to be paid to acquire title at the end of the lease term is \$0.00 according to the contract.

6. OTHER PROVISIONS AS NEEDED

- a. Pursuant to 11 U.S.C. § 1325(c) any entity from whom the Debtors receive income shall withhold the monthly payments required under the Debtors' Plan and pay such payments to the Standing Chapter 13 Trustee, unless waived by court order.
- b. Debtors' Plan provides an estimate of Debtors' counsel's fees as an administrative claim. If the estimated fees exceed the Court's approved no-look fee, no fees will be paid to counsel until the Court approves counsel's application for professional fees and costs.

BY THE COURT:



Hon. Benjamin P. Hursh
United States Bankruptcy Court
District of Montana